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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,246	06/27/2000	Toru Ebihara	500.38711X00	5041

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/604,246**

Applicant(s)  
**Ebihara et al**

Examiner  
**JEANETTE CHAPMAN**

Art Unit  
**3625**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 27, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 3625

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson (6324522). Peterson et al discloses a method of ordering and delivering merchandise in an electronic mall 116. The system provides an electronic mall composed of the plurality of vendors shown on line or virtual stores on a network. See figure 7 Peterson et al discloses that the a distribution network. See column 3.

Art Unit: 3625

Peterson et al further discloses accepting access from a user terminal such as by a public telephone line. See Column 6, lines 40-column 8, line 68. Peterson et al also discloses providing merchandise information to the user terminal See figure 3-9. Peterson et al discloses providing a selection of information containing a choice of a dealer neighborhood capable of mediating delivery on the basis of a pre-set address of the user terminal as a delivery designation. See columns 8-9. Peterson also discloses accepting an order of merchandise on the basis of the merchandise information and providing delivery destination selection information concerning delivery of the ordered merchandise to the user terminal and the user accepting a delivery destination request from the user terminal on the basis of the delivery destination and the map information. See columns 22, line 50- column 27. See Figure 15, boxes 356, 358, 360, 348 and 376. See also figures 16-18. See column 8, lines 47-61 for map regions displayed at the user terminal. The delivery can be on the basis of a pre-selected address, a particular geographic region or all regions can be included. See column 8, lines 47-67 and column 9 lines 1-40. Peterson et al also discloses providing map information. See column 8, lines 19-67 and column 9, lines 1-37. Peterson also discloses providing information of the delivery destination and merchandise order information to the delivery destination. See figure 1, Box 28, 32,34 and figure 2, box 54.

Figure 2, box 54 also shows the step of providing related advertising information of the specific dealer(distributer) to user terminal(manufacturer) in response to the accepting of the specific dealer as this step shown in box 54 provides an information network for communicating

Art Unit: 3625

point of sale information of a plurality of independent industrial distributors, this includes a single distributor, to a manufacturer of the item. Also figure 7, boxes 132 and 142 provide an advertising function. See also column 9, lines 52-column 10, line 1-10. See column 41 and figure 13.

Peterson et al discloses a dealer information unit for storing information concerning dealers or vendors capable of dealing or mediating merchandise and addresses of dealers. See columns 8-10 and figure 7. Peterson also discloses a means for determining a dealer selected by a customer as a delivery destination of the merchandise based on the searched map through a display on the home page. See columns 8-9 and 24-27 and figures 15-17. See also column 41 and figure 13

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al (6324522). In view of Shimakaw et al.

Peterson et al lacks displaying in digital or image data of a plurality of maps and a means for displaying a designated region so as to be superposed on a map of said designated region on the basis of dealer information containing data of positional information as recited and corresponding to coordinates on each map in the map information as address data of the

Art Unit: 3625

store/vendor capable of dealing the merchandise. Shimakaw et al shows the above. See figures 7 and 13. It would have been obvious to one of ordinary skill in the art to take the map information and put it in image form to simulate the real world environment in order for the user to more readily recognize the most favorable locations.

Peterson shows determining and preparing a delivery schedule of the basis of a contract with reference to models and predetermined in consideration of delivery schedules determined on the basis of past data when the contract is made with respect to said merchandise and performing schedule management periodically by using electronic mail while monitoring inspection information exist in a specified period when the dealer exist. See figure 9A, figures 15-18, column 24-27, column . For schedule management see column 46.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Chapman whose telephone number is 703-308-1310. The examiner can normally be reached on Monday through Friday, except every other Friday from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on (703) 308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

Art Unit: 3625

***Washington D.C. 20231***

or faxed to:

**(703)305-7687** [Official communications; including After Final communications  
labeled "Box AF"]

**(703) 746-3201** [Informal/Draft communications, labeled "Proposed" or  
"Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA 7th floor receptionist.

  
Jeanette Chapman  
Primary Examiner